

EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
October 9, 2008

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Consent Order 08-0006-UST
 Order Date: August 4, 2008
 Respondent: **United Investment Group Of**
 South Carolina, Inc.

 Facility: A&M Food Mart
 Location/Mailing Address: 4189 Dorchester Rd, N. Charleston,
 SC / 4189 Dorchester Rd, N.
 Charleston, SC 29405

 County: Charleston
 Previous Orders: None
 Permit/ID Number: 12207
 Violations Cited: UST Control Regulations, R.61-92,
 §280.93(a) and §280.110(c).

Summary: United Investment Group of South Carolina, Inc. (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations by failing to provide Financial Responsibility.

Action: The Respondent is required to provide Financial Responsibility for the facility and pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

- 2) Order Type and Number: Consent Order 08-0201-UST
 Order Date: August 27, 2008
 Respondent: **Evans Petroleum Company, Inc.**
 Facility: Riverdeck Store & Grill
 Location/Mailing Address: 3473 John G. Richards Rd., Liberty
 Hill, SC/1132 Great Falls Hwy.,
 Lancaster, SC 29720

 County: Kershaw
 Previous Orders: None
 Permit/ID Number: 12653
 Violations Cited: UST Control Regulations, R.61-92,
 §§280.40(a) and 280.34(c).

Summary: Evans Petroleum Company, Inc. (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations by failing to provide adequate release detection methods for an underground storage tank system and failing to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of the automatic tank gauge records from March of 2007 through March of 2008 for all tanks, or current tank tightness test results for all tanks and a copy of the automatic tank gauge records for the current month; and, pay a civil penalty in the amount of six hundred dollars (**\$600.00**).

- 3) Order Type and Number: Consent Order 08-0247-UST
 Order Date: August 15, 2008
 Respondent: **Tolers Cove Marina, LLC**
 Facility: Tolers Cove Marina
 Location/Mailing Address: 1610 Ben Sawyer Blvd., Mt.
 Pleasant, SC/P.O. Box 899,
 Charleston, SC 29402

 County: Charleston
 Previous Orders: None
 Permit/ID Number: 01803
 Violations Cited: UST Control Regulations, R.61-92,
 §§280.31(b), 280.31(c), and 280.34(c).

Summary: Tolers Cove Marina, LLC (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations by failing to have the corrosion protection system inspected by a qualified tester every three years, failing to inspect the impressed current system every sixty days, and failing to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of the corrosion protection system test results; submit a copy of the rectifier log for the current month; and, pay a civil penalty in the amount of five hundred fifty dollars (**\$550.00**).

- 4) Order Type and Number: Consent Order 08-0342-UST
 Order Date: August 15, 2008
 Respondent: **Carmichael Enterprises, Inc.**
 Facility: Precision Automotive Repair
 Location/Mailing Address: 529 S. Main St., Marion, SC/P.O.
 Box 450, Marion, SC 29571

 County: Marion

<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	06284
<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §280.40(a).

Summary: Carmichael Enterprises, Inc. (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations by failing to provide adequate release detection methods for an underground storage tank system. The Department received the tank tightness test results.

Action: The Respondent is required to: submit a copy of the release detection records for the current month, and pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

5) <u>Order Type and Number:</u>	Consent Order 08-0366-UST
<u>Order Date:</u>	August 15, 2008
<u>Respondent:</u>	Jerry Chad Wellington
<u>Facility:</u>	Food Mart
<u>Location/Mailing Address:</u>	601 Hwy. 34 W., Dillon, SC/1210 Edgewood Blvd., Dillon, SC 29536
<u>County:</u>	Dillon
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	02903
<u>Violations Cited:</u>	UST Control Regulations, R.61-92, §§280.31(b) and 280.34(c).

Summary: Jerry Chad Wellington (Respondent) owns and operates underground storage tanks and has violated the South Carolina Underground Storage Tank Control Regulations by failing to have the corrosion protection system inspected by a qualified tester every three years and failing to provide records to the Department upon request.

Action: The Respondent is required to: submit a copy of the corrosion protection system test results, and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

Solid Waste Enforcement

6) <u>Order Type and Number:</u>	Consent Order 08-01-SW
<u>Order Date:</u>	April 26, 2008
<u>Respondent:</u>	Burkett, Daniel E.
<u>Location/Mailing Address:</u>	5435 Broad St. Extension

	Sumter, SC 29154
<u>County:</u>	Sumter
<u>Previous Orders:</u>	none
<u>Permit/ID Number:</u>	none
<u>Violations Cited:</u>	South Carolina Solid Waste Policy and Management Act of 1991, as amended: Construction, Demolition, and Land-Clearing Debris Landfills Regulation, as amended, 25A S.C. Code Ann. Reg. 61-107.11, Part IV.A.8.

Summary: Daniel E. Burkett (Respondent) allowed the open dumping of wood chips in a low area on his property (Site). The wood chips subsequently caught fire and were covered with soil to smother the fire.

Action: The Respondent is required to: complete the coverage of all areas of wood chips at the Site with two (2) feet of clean soil to prevent the recurrent of the fire and seed the area with native grass; and, pay a civil penalty of two thousand one hundred dollars (\$2,100.00) in installments.

7)	<u>Order Type and Number:</u>	Consent Order 08-05-MSWM
	<u>Order Date:</u>	August 4, 2008
	<u>Respondent:</u>	Jason White Construction Company, Inc.
	<u>Facility:</u>	Unpermitted Mine – Harvey Road
	<u>Location/Mailing Address:</u>	2323 Harvey Road, Loris, SC/ 2396 Hwy 701 N, Loris, SC 29569
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	03-088-A (\$3,150)
	<u>Permit/ID Number:</u>	None
	<u>Violations Cited:</u>	South Carolina Mining Act, as amended, S.C. Code Ann. §§ 48-20-60 and 48-20-220.

Summary: Jason White Construction Company, Inc. (Respondent) conducted unpermitted mining activities at the Site, and continued mining in violation of the Department's Cease and Desist Order.

Action: The Respondent is required to: continue to comply with the Department's Cease and Desist Order until a mining permit to cover the Site has been issued and has become effective; begin reclamation of the Site or submit a mining permit application and bond to the Department; and, pay a civil penalty of three thousand dollars (\$3,000.00).

BUREAU OF WATER

Drinking Water Enforcement

- 8) Order Type and Number: Consent Order 08-038-DW
 Order Date: August 26, 2008
 Respondent: **Property Preservation, Inc.**
 Facility: Marriott Heritage Club
 Location/Mailing Address: 53 Persimon Street, Suite 105
 Bluffton, S.C. 29910
 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 07-1157D
 Violations Cited: 24A S.C. Code Ann. Regs. 61-51(B)(2)

Summary: Property Preservation, Inc. (Respondent) is responsible for the construction of a Spa. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to obtain a permit to construct prior to beginning the construction of a Spa.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**). The civil penalty has been paid.

- 9) Order Type and Number: Consent Order 08-039-DW
 Order Date: August 15, 2008
 Respondent: **The Pantry, Inc.**
 Facility: Kangaroo Express #879
 Location/Mailing Address: 1801 Douglas Drive
 Sanford, N.C. 27330
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 1070985
 Violations Cited: S.C. Code Ann. Regs. 61-58.7(B)

Summary: The Pantry, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: remove all debris from the storage tank and water treatment area to make it easily accessible for repairs or inspections; pay a penalty in the amount of one thousand seven hundred dollars (**\$1,700.00**); and pay a stipulated penalty in the amount of one thousand seven dollars (\$1,700.00) if it fails to meet any requirement of this Order.

- 10) Order Type and Number: Consent Order 08-040-DW
 Order Date: August 20, 2008
 Respondent: **Duncan Investments, Inc.**
 Facility: Holiday Inn Express
 Location/Mailing Address: 275 Frontage Road
 Duncan, S.C. 29334
 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: 42-211B and 42-212D
 Violations Cited: 24A S.C. Code Ann. Regs. 61-51(J),
 61-51(K)(1)(c) and 61-51(K)(1)(d)

Summary: Duncan Investments, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a Pool and Spa. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain the Pool and Spa and failure to contact the Department and schedule a re-inspection after Department closure prior to opening the Pool and Spa.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**).

- 11) Order Type and Number: Consent Order 08-041-DW
 Order Date: August 26, 2008
 Respondent: **Utilities Services of South
 Carolina, Inc.**
 Facility: Dutchman Acres
 Location/Mailing Address: P.O. Box 4509
 West Columbia, S.C. 29171
 County: Lexington
 Previous Orders: None
 Permit/ID Number: 3250028
 Violations Cited: S.C. Code Ann. Regs. 61-58.5(H)(2)

Summary: Utilities Services of South Carolina, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: exceeded the maximum contaminant level (MCL) for combined radium 226/228 during the October 2006 – December 2008 compliance periods.

Action: The Respondent has agreed to: submit a Corrective Action Plan with a schedule of implementation to address the MCL exceedances and pay a

stipulated penalty in the amount of eight thousand dollars (**\$8,000.00**) if it fails to meet any requirement of this Order.

- 12) Order Type and Number: Consent Order 08-042-DW
 Order Date: August 26, 2008
 Respondent: **Oyster Park Property Owners Association, Inc.**
 Facility: Oyster Park commercial site
 Location/Mailing Address: P.O. Box 235
 Edisto Island, S.C. 29438
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 1070256
 Violations Cited: 24A S.C. Code Ann. Regs. 61-58.1
 (B)(1)(K)(1) (Supp. 2007)

Summary: Oyster Park Property Owners Association, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a permit to construct three (3) shallow wells prior to construction and failure to obtain final approval to operate the shallow wells prior to placing them into operation.

Action: The Respondent has agreed to: submit a Corrective Action Plan to refurbish the permitted deep well; submit a letter stating the proposed use for the existing three (3) shallow wells located at the Site, which will be subject to Department approval; correct the deficiencies listed in the November 28, 2006 Sanitary Survey; and pay a **stipulated** penalty in the amount of eight thousand dollars (**\$8,000.00**) if it fails to meet any requirement of this Order.

- 13) Order Type and Number: Consent Order 08-043-DW
 Order Date: August 26, 2008
 Respondent: **Portrait Homes Lakeview Commons, LLC**
 Facility: Lakeview Commons
 Location/Mailing Address: 4975 Lacrosse Rd., Suite 150
 North Charleston, S.C. 29406
 County: Berkeley
 Previous Orders: None
 Permit/ID Number: 08-1049B
 Violations Cited: 24A S.C. Code Ann. Regs. 61-
 51(B)7 and 61-51(K)(1)

Summary: Portrait Homes Lakeview Commons, LLC (Respondent) is responsible for the construction of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to obtain final written approval to operate prior to placing the Pool into operation and failure to comply with the Department's closure of the Pool by reopening the Pool prior to receiving Department authorization.

Action: The Respondent has agreed to: pay a civil penalty in the amount of eight hundred fifty-five dollars (**\$855.00**).

14)	<u>Order Type and Number:</u>	Consent Order 08-044-DW
	<u>Order Date:</u>	August 26, 2008
	<u>Respondent:</u>	Harbour Pointe Owners Association, Inc.
	<u>Facility:</u>	Marriott Harbour Pointe
	<u>Location/Mailing Address:</u>	8468 Parkridge Dexter, MI 48130
	<u>County:</u>	Beaufort
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	07-225B
	<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-51(K)(1)(c)

Summary: Harbour Pointe Owners Association, Inc. (Respondent) is responsible for the proper operation and maintenance of a Pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to contact the Department and schedule a re-inspection after Department closure prior to opening the Pool.

Action: The Respondent has agreed to: pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

15)	<u>Order Type and Number:</u>	Consent Order 08-045-DW
	<u>Order Date:</u>	August 26, 2008
	<u>Respondent:</u>	The City of Spartanburg
	<u>Facility:</u>	TK Gregg Recreational Center
	<u>Location/Mailing Address:</u>	P.O. Drawer 1749 Spartanburg, S.C. 29304
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	42-062B and 42-055C
	<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-51(J)(22)

Summary: The City of Spartanburg (Respondent) is responsible for the proper operation and maintenance of the Pools. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to permanently close the Pools, which were not in operation for a period in excess of twenty-four (24) consecutive months and notify the Department in writing.

Action: The Respondent has agreed to: properly abandon both Pools and pay a **stipulated** penalty in the amount of six hundred dollars (**\$600.00**) if it fails to meet any requirement of this Order.

Water Pollution Enforcement

16) Order Type and Number: Consent Order 08-089-W
Order Date: August 26, 2008
Respondent: **Mr. Terry R. Lee**
Facility: 10 Acre Tract along Hwy 170
Location/Mailing Address: 1149 Glassco Landing Road
Hardeeville, S.C. 29927
County: Jasper
Previous Orders: None in Last 5 Years
Permit/ID Number: N/A
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
and 24 S.C. Code Ann. Regs. 61-9.122.26(c)(1) (Supp. 2007)

Summary: Mr. Terry R. Lee (Respondent) owns and is responsible for land-clearing and construction activities at the property located on Hwy 70 (Freedom Parkway) across from Handsome Oak Lane (Tax Map 039-00-08-110) (Site) in Jasper County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: initiated land-disturbing activities prior to obtaining a National Pollution Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specifications, or submit a Notice of Termination (NOT) for the Site in accordance with the NPDES Permit; and, pay a civil penalty in the amount of one thousand seven hundred dollars (**\$1,700.00**). The penalty has been paid.

17) Order Type and Number: Consent Order 08-091-W
Order Date: August 15, 2008
Respondent: **Perdue Farms, Inc.**

Facility: Perdue Farms, Inc.
Location/Mailing Address: P.O. Box 2159
Dillon, S.C. 29536
County: Dillon
Previous Orders: 03-040-A (\$3,000)
Permit/ID Number: ND0077623
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(2008) and 24 S.C. Code Ann. Regs. 61-9.504.B(16), (17) and (18) (Supp. 2007)

Summary: Perdue Farms, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a sludge disposal facility that serves its processing plant in Dillon County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failure to collect all of the required soil monitoring samples, and failure to provide all of the information required by the Permit in its annual sludge report.

Action: The Respondent has agreed to: submit a draft of the annual monitoring report for Department review; and pay a civil penalty in the amount of one thousand dollars (\$1,000.00). The penalty has been paid.

18) Order Type and Number: Consent Order 08-092-W
Order Date: August 26, 2008
Respondent: **James and Pamela Love**
Facility: Crystal Street Property
Location/Mailing Address: 54 Crystal Street
Port Royal Island, S.C.
County: Beaufort
Previous Orders: None in Last 5 Years
Permit/ID Number: SCR10J047
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
and 24 S.C. Code Ann. Regs. 61-9.122.26(c)(1) (Supp. 2007)

Summary: James and Pamela Love (Respondents) own and are responsible for land-disturbing activity on property located on Crystal Street in Beaufort County. The Respondents have violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: initiated land-disturbing activity on the property without first obtaining a National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondents have agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that implementation of applicable storm water and sediment control devices are properly installed and functioning in accordance with approved storm water plans

and its Permit; and pay a civil penalty in the amount of two thousand eight hundred dollars (\$2,800.00). The penalty has been paid.

- 19) Order Type and Number: Consent Order 08-093-W
 Order Date: August 4, 2008
 Respondent: **Lancaster County Parks and Recreation**
 Facility: Buford Recreation Complex
 Location/Mailing Address: P.O. Box 243
 Lancaster, S.C. 29720
 County: Lancaster
 Previous Orders: None
 Permit/ID Number: SCR10C744
 Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008)
 and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007)

Summary: Lancaster County Parks and Recreation (Respondent) owns and is responsible for land-disturbing activities at Buford Recreation Complex (Site) located at 4073 Hurley Walters Road near the intersection of SC 522 (Tax Map # 58-128) in Lancaster County. The total acreage at the Site is twenty-three and thirty-four hundredths (23.34) acres with the total disturbed acreage approximately twenty (20.0) acres. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to install and properly maintain all erosion control devices during all phases of construction, and discharged sediment into the environment, including waters of the State, in a manner other than in compliance with a Permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that implementation of the necessary storm water and sediment control devices are complete and in accordance with the approved plans and specifications of the National Pollutant Discharge Elimination System (NPDES) Permit; and pay a civil penalty in the amount of six thousand dollars (\$6,000.00). The penalty has been paid.

- 20) Order Type and Number: Consent Order 08-094-W
 Order Date: August 4, 2008
 Respondent: **Para-Chem Southern, Inc.**
 Facility: Para-Chem Southern, Inc.
 Location/Mailing Address: P.O. Box 127
 Simpsonville, S.C. 29681-0127
 County: Greenville
 Previous Orders: None in Last 5 Years
 Permit/ID Number: SC0047589

Violations Cited: S.C. Code Ann. § 48-1-110(d) (2008) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp. 2007)

Summary: Para-Chem Southern, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a groundwater air stripper unit located in Greenville County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to comply with the effluent discharge limits of National Pollutant Discharge Elimination System (NPDES) Permit for 1,1 Dichloroethylene (1,1 DCE).

Action: The Respondent has agreed to: submit a standard operating procedure (SOP) to track trends in the treatability of the groundwater for 1,1, DCE as contained in the NPDES Permit; and, pay **suspended** penalty in the amount of five thousand six hundred dollars (\$5,600.00) should the Respondent fail to comply with the NPDES Permit limits for 1,1 DCE during the first six month period following execution of this Order.

21) Order Type and Number: Consent Order 08-096-W
Order Date: August 15, 2008
Respondent: **Young Building and Consulting, Inc.**
Facility: Stoneridge Lakes
Location/Mailing Address: P.O. Box 36248
Rock Hill, S.C. 29732
County: York
Previous Orders: None in Last 5 Years
Permit/ID Number: SCR10H175
Violations Cited: S.C. Code Ann. § 48-1-90(a) (2008), 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007) and 24 S.C. Code Ann. Regs. 61-9.122.26(c)(1) (Supp. 2007)

Summary: Young Building and Consulting, Inc. (Respondent) owns and is responsible for land-clearing and construction activities at the property located at the intersection of Plantation Hills Drive (Tax Map 502-01-01-045 & 502-01-01-001) (Site) in York County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: initiated land-disturbing activities prior to obtaining a Permit; failure to comply with all the conditions of the National Pollutant Discharge Elimination System (NPDES) Permit; failure to install and maintain storm water management and erosion and sediment controls per the approved Plans as required by the Permit; and discharged sediment into the environment, including waters of the State, in a manner other than in compliance with a Permit.

22)	<u>Order Type and Number:</u>	Consent Order 08-097-W
	<u>Order Date:</u>	August 26, 2008
	<u>Respondent:</u>	Spartanburg Housing Development Corporation
	<u>Facility:</u>	Shaw Wilmont Subdivision, Phase I
	<u>Location/Mailing Address:</u>	139 S. Dean St. Spartanburg, S.C. 29302
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None in Last 5 Years
	<u>Permit/ID Number:</u>	34,495-WW
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-67.100
	(E)(7) (Supp. 2007)	

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; and pay a civil penalty in the amount of one thousand nine hundred dollars (**\$1,900.00**). The penalty has been paid.

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Summary: Tuley and Tuley, Inc. (Respondent) owns and is responsible for land-clearing and construction activities on a tract of land in Greenville County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to properly operate and maintain storm water sediment and erosion control devices in accordance with the approved Site plan; and allowed the discharge of sediment into the environment, including waters of the State, in a manner other than in compliance with a Permit.

Action: The Respondent has agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that all storm water, sediment and erosion control measures have been installed and are functioning properly; and pay a civil penalty in the amount of fourteen thousand dollars (**\$14,000.00**) to be paid in quarterly installments.

24)	<u>Order Type and Number:</u>	Consent Order 08-099-W
	<u>Order Date:</u>	August 27, 2008
	<u>Respondent:</u>	York County and Eagle Construction Company, Inc.
	<u>Facility:</u>	Highway 5, Phase 2
	<u>Location/Mailing Address:</u>	P.O. Box 66 York, S.C. 29745-0066
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	SCR10E619
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a) (2008) and 24 S. C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2007)

Summary: York County (Respondent #1) owns and is responsible for the Highway 5 roadway widening, Phase 2 linear project, located in York County. Eagle Construction Company, Inc. (Respondent #2) is responsible for the terms and conditions of the Stormwater Pollution Prevent Plan (SWPPP) for the Site. The Respondents have violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: allowed the unauthorized discharge of sediment into the environment, including waters of the State, in a manner other than in compliance with a Permit; and failure to properly install, operate and maintain storm water, sediment and erosion control devices in accordance with the approved Site plan and the National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondents have agreed to: submit a report, completed and stamped by a S.C. Registered Professional Engineer, certifying that all storm water and sediment control devices are installed and functioning according to the approved Plan; and pay a civil penalty in the amount of seventeen thousand six hundred dollars (**\$17,600.00**).

25) Order Type and Number: Consent Order 08-100-W
 Order Date: August 26, 2008
 Respondent: **Carolina Water Service, Inc.**
 Facility: Roosevelt Garden Apartments
 Location/Mailing Address: P.O. Box 4509
 West Columbia, S.C. 29171
 County: Orangeburg
 Previous Orders: 04-084-W (\$5,600)
 Permit/ID Number: SC0029645
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (2008) and 24 S. C. Code Ann. Regs. 61-9.122.41(a) and (d) (Supp. 2007)

Summary: Carolina Water Service, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) serving the Roosevelt Garden Apartments, located in Orangeburg County. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failure to comply with the effluent limits for ammonia-nitrogen as contained in its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: submit a corrective action plan (CAP) including a diagnostic evaluation (DE), signed and stamped by a S.C. Registered Professional Engineer; submit a preliminary engineering report (PER) detailing upgrades necessary, if the DE indicates that construction of an upgrade is required; and pay a civil penalty in the amount of three thousand six hundred dollars (\$3,600.00).

Joint Orders

26) Order Type and Number: Consent Order 08-090-W, DW
 Order Date: August 26, 2008
 Respondent: **Graves Construction Co., Inc.**
 Facility: Robert Graves Tract, Phase I
 Location/Mailing Address: 17 Dunnagans Alley Street
 Hilton Head Island, S.C. 29928
 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 24,619-WS & 33,989-WW
 Violations Cited: S.C. Code Ann. § 44-55-40(C)
 (2002), 24A S.C. Code Ann. Regs. 61-58.1(K)(1) (Supp. 2007); and 48-1-110(a)(3) (2008) and 25 S.C. Code Ann. Regs. 61-67.100(E)(7) (Supp. 2007)

Summary: Graves Construction Company, Inc. (Respondent) is responsible for the construction and operation of a public water system (PWS) and a wastewater collection system (WWCS) in Beaufort County. The Respondent has violated the Pollution Control Act, State Safe Drinking Water Act, State Primary Drinking Water Regulations and Standards for Wastewater Facility Construction Regulations as follows: placed the PWS and the WWCS into operation prior to obtaining an approval to operate.

Action: The Respondent has agreed to: pay a civil penalty in the amount of two thousand nine hundred dollars (**\$2,900.00**). This is a combined civil penalty of one thousand four hundred fifty dollars (\$1,450.00) for violations of the Pollution Control Act and one thousand four hundred fifty dollars (\$1,450.00) for violations of the State Safe Drinking Water Act. The penalty has been paid.

27) <u>Order Type and Number:</u>	Consent Order 08-095-W, A and 08-038-A, W
<u>Order Date:</u>	August 4, 2008
<u>Respondent:</u>	Seabrook Classics, Inc.
<u>Facility:</u>	24 Fire Station Lane Facility and the Trask Parkway Facility
<u>Location/Mailing Address:</u>	1236 Trask Parkway Seabrook, S.C. 29940
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None in Last 5 Years
<u>Permit/ID Number:</u>	Unpermitted
<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-90(a) (2008) and South Carolina Air Pollution Control Regulation 61-62.1, Section II.A.1.b

Summary: Seabrook Classics, Inc. (Respondent) owns and is responsible for two (2) furniture-finishing facilities located in Beaufort County. The Respondent has violated the Pollution Control Act and South Carolina Air Pollution Control Regulations as follows: discharged process wastewater into the environment, including waters of the State, in a manner other than in compliance with a Permit; and constructed and placed into operation a source of air contaminants without the appropriate permits, approvals, or exemptions.

Action: The Respondent has agreed to: submit all appropriate permit applications for the sources of all air contaminants and their containment; submit an environmental assessment plan for the soils and groundwater having potential impacts from the wastewater discharge; implement the assessment plan upon Department approval; submit a final assessment report; submit all appropriate applications to address the unauthorized discharge of the process wastewater; and pay a civil penalty in the amount of fifteen thousand six hundred dollars (**\$15,600.00**) to be paid quarterly. The civil penalty is a combination of thirteen

thousand six hundred dollars (\$13,600.00) for violations of the Pollution Control Act and Water Pollution Control Permit and two thousand dollars (\$2,000.00) for violations of the South Carolina Air Pollution Regulations.

BUREAU OF AIR QUALITY

28) Order Type and Number: Consent Order 08-036-A
Order Date: August 4, 2008
Respondent: **Blue Dot Read-Mix, LLC**
Facility: Blue Dot Read-Mix, LLC
Location/Mailing Address: PO Box 23029
Charlotte, NC 28227
County: Lancaster
Previous Orders: N/A
Permit/ID Number: 9900-0494-CA
Violations Cited: S.C. Code Ann § 48-1-110 (d), South Carolina Air Pollution Control Regulation 61-62.1, Section II.F.1

Summary: Blue Dot Read-Mix, LLC (Respondent) located in the Indian Land Community, in Lancaster County, SC, owns and operates a concrete batch production plant. A synthetic minor construction permit was issued to the Respondent. The Respondent violated State Regulations and its Permit as follows: failure to submit a written request to obtain an operating permit to the Department no later than fifteen (15) days after placing the source into operation; failure to maintain an inventory of cartridge filters to have enough on hand to replace defective filters; failure to ensure that all areas of the plant were adequately wet to prevent fugitive dust; and, failure to capture and control dust emissions during the truck unloading process.

Action: The Respondent has agreed to: submit a written request to obtain an operating permit no later than (15) days after placing a source into operation; ensure that all areas of the plant are adequately wet to prevent fugitive dust; capture and control dust emissions during the truck loading process; limit plant operation to a maximum production rate of 125 cubic yards per day of actual production; submit monthly reports; construct an enclosure around the plant and pave gravel areas of the facility; and, pay a **stipulated** penalty in the amount of six thousand dollars (**\$6,000.00**) should the Respondent fail to meet any requirement of the Order.

29) Order Type and Number: Consent Order 08-039-A
Order Date: August 15, 2008
Respondent: **Mr. James L. Scruggs**

Facility: Mr. James L. Scruggs
Location/Mailing Address: 1203 Melvin Street
Spartanburg, SC 29307
County: Spartanburg
Previous Orders: N/A
Permit/ID Number: N/A
Violations Cited: South Carolina Air Pollution Control
Regulations 61-62.2, Prohibition of Open Burning

Summary: Mr. James L. Scruggs (Respondent) and Ms. Virginia Scruggs, located in Spartanburg, South Carolina, are the owners of the Riverside Trailer Park in Drayton, South Carolina. The Respondent violated State Regulations as follows: burned materials prohibited by the regulation at the trailer park.

Action: The Respondent has agreed to: cease open burning except as in compliance with the regulations and, pay a civil penalty in the amount of two thousand dollars (\$2,000.00) to be paid in installments.

30) Order Type and Number: Consent Order 08-040-A
Order Date: August 29, 2008
Respondent: **Stevenson-Weir, Inc.**
Facility: Rock Hill and Great Falls Plant
Location/Mailing Address: 1523 South Anderson Rd.
Rock Hill, Sc 29730
County: Chester and York
Previous Orders: N/A
Permit/ID Number: 9900-0482-CA
Violations Cited: S.C. Code Ann. § 48-1-110(d), South
Carolina Air Pollution Control Regulation 61-62.1, Section II

Summary: Stevenson-Wier, Inc. (Respondent) owns and operates a portable batch plant located in Rock Hill, South Carolina (Rock Hill Plant) and a facility that manufactures ready-mixed concrete located in Great Falls, South Carolina (Great Falls Plant). The Respondent holds a construction permit (#9900-0482-CA) for the Rock Hill Plant. The Respondent violated State Regulations as follows: failure to obtain a construction permit from the Department prior to constructing the Great Falls Plant; failure to submit a written request to obtain an operating permit prior to placing the Rock Hill Plant into operation; failure to submit written notification of the date construction began and initial start-up for the Rock Hill Plant; and, failure to maintain a log of operation and maintenance checks.

Action: The Respondent has agreed to: apply for and obtain permits prior to any future construction; submit required written notifications; maintain a log of

operation and maintenance checks; and, pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**). The penalty has been paid.

31) Order Type and Number: Consent Order 08-041-A
 Order Date: August 29, 2008
 Respondent: **Kawashima Textile USA, Inc.**
 Facility: Kawashima Textile USA, Inc.
 Location/Mailing Address: 412 Groves St
 Lugoff, SC 29078
 County: Kershaw
 Previous Orders: 05-024-W (\$22,000)
 Permit/ID Number: CM-1380-0048
 Violations Cited: S.C. Code Ann. § 48-1-110(d)

Summary: Kawashima Textile USA, Inc. (Respondent), located in Lugoff, South Carolina, manufactures dyes and fabrics used for covering automobile seats. The Department issued Conditional Major Air Quality Operating Permit CM-1380-0048 (Permit) to the Respondent effective July 1, 2004. The Respondent violated its Permit in that it failed to conduct and maintain records of weekly operation and maintenance checks for Unit ID 12 and Unit ID 13.

Action: The Respondent has agreed to: conduct and maintain records of weekly operation and maintenance checks for Unit ID 12 and Unit ID 13; and, pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**).